

**TRANSLATION**

**PATENT COOPERATION TREATY**

**PCT**

**INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY**

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference <b>2003P11640WO</b>	<b>FOR FURTHER ACTION</b>	See Form PCT/IPEA/416
International application No. <b>PCT/EP2004/009108</b>	International filing date ( <i>day/month/year</i> ) <b>13.08.2004</b>	Priority date ( <i>day/month/year</i> ) <b>26.09.2003</b>
International Patent Classification (IPC) or national classification and IPC <b>H04L29/08, H04M7/00, H04L29/12, H04L29/06</b>		
Applicant <b>SIEMENS AKTIENGESELLSCHAFT</b>		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of <u>8</u> sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising: a. <input checked="" type="checkbox"/> ( <i>sent to the applicant and to the International Bureau</i> ) a total of <u>2</u> sheets, as follows: <input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box. b. <input type="checkbox"/> ( <i>sent to the International Bureau only</i> ) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).
4. This report contains indications relating to the following items: <input checked="" type="checkbox"/> Box No. I Basis of the report <input type="checkbox"/> Box No. II Priority <input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Box No. IV Lack of unity of invention <input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input type="checkbox"/> Box No. VI Certain documents cited <input checked="" type="checkbox"/> Box No. VII Certain defects in the international application <input type="checkbox"/> Box No. VIII Certain observations on the international application

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/009108

## Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language \_\_\_\_\_, which is the language of a translation furnished for the purposes of:
- ☐ international search (Rule 12.3 and 23.1(b))
- ☐ publication of the international application (Rule 12.4)
- ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the **elements** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:
- ☐ the international application as originally filed/furnished
- ☒ the description:
- pages 1-24 \_\_\_\_\_ as originally filed/furnished
- pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- ☒ the claims:
- nos. 5-18 \_\_\_\_\_ as originally filed/furnished
- nos.\* 1-4 \_\_\_\_\_ as amended (together with any statement) under Article 19
- nos.\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- nos.\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- ☒ the drawings:
- sheets 1/4-4/4 \_\_\_\_\_ as originally filed/furnished
- sheets\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- sheets\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, nos. \_\_\_\_\_
- ☐ the drawings, sheets/figs \_\_\_\_\_
- ☐ the sequence listing (*specify*): \_\_\_\_\_
- ☐ any table(s) related to sequence listing (*specify*): \_\_\_\_\_
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, nos. \_\_\_\_\_
- ☐ the drawings, sheets/figs \_\_\_\_\_
- ☐ the sequence listing (*specify*): \_\_\_\_\_
- ☐ any table(s) related to sequence listing (*specify*): \_\_\_\_\_

\* If item 4 applies, some or all of those sheets may be marked "superseded."

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/009108

Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
1.	Statement		
	Novelty (N)	Claims <u>3-13</u>	YES
		Claims <u>1, 2, 14</u>	NO
	Inventive step (IS)	Claims _____	YES
		Claims <u>1-14</u>	NO
	Industrial applicability (IA)	Claims <u>1-14</u>	YES
		Claims _____	NO
2.	Citations and explanations (Rule 70.7)		
1	This report makes reference to the following documents:		
	D1: US 2003/095546 A1 (SAKANO TSUNEYUKI ET AL) 22 May 2003 (2003-05-22)		
	D2: US 6 144 671 A (FRANK ALAN S ET AL) 7 November 2000 (2000-11-07)		
2	The present application does not meet the requirements of PCT Article 33(1) because the subject matter of claim 1 lacks novelty (PCT Article 33(2)).		
2.1	Document D1 discloses (the references between parentheses refer to that document):		
	a method for establishing a communications link between two clients ('10A' and '10C') from a plurality of clients ('10A', '10B', '10C', '10D') in a direct communication network (see "transmitting and receiving data to and from one or more IP telephone terminals on a peer-to-peer connection over an IP network", paragraph [13]),		

Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
	<p>wherein, in order to establish the communications link, signalling information comprising client address information is exchanged between clients taking part in the communications link (see "searching connection", paragraph [41]) and the communications link is established directly between the clients taking part in the communications link using the client address information (see "The speech connection ... is thus established", paragraph [44], characterised by the following method steps which are carried out one after the other:</p> <ul style="list-style-type: none"><li>a) client address information required for establishing paired communications links between the clients is stored in a distributed manner in the plurality of clients (see "IP address storage '28'" and "destination data storage '30'", fig. 2 and paragraph [32]),</li><li>b) a searching client sends a broadcast request message aimed at establishing at least one communications link between a calling client and at least one sought client (see "The calling terminal will therefore make access to all the IP telephone terminals ... to interrogate each of them ...", paragraph [41]),</li><li>c) each client receiving the broadcast request message sends a response message containing the client address information required for the at least one communications link, provided that the functionality of the client allows it to send such a response message</li></ul>

Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
	<p>(see "... in response to the result from the coincidence of the telephone number ..." and "... transmit their own IP address ...", paragraph [48]), and</p> <p>d) the client address information is used to establish the communications link between the calling client and the at least one sought client (see paragraph [44]),</p> <p>the broadcast request being sent in the form of a "broadcast message" or "multicast message" to several or all of the clients of the direct communication network (see "... the calling terminal assembles an IP packet to include the telephone number ... to transmit the latter to the terminals 10B, 10C and 10D ...", paragraph [43]).</p> <p>2.2 Regarding the applicant's argument which is contained in the explanation of the amended version of the claims submitted under PCT Article 19, it is pointed out that the wording of claim 1 does not indicate that no specific IP addresses are included for addressing the request message. On the contrary, the wording that "the broadcast message is sent ... to <u>several or all of the clients of the direct communication network</u>" points to the fact that in the case described in claim 1 communication relations already exist between the clients, and the option whereby the message is sent to <u>several</u> rather than to <u>all clients</u> covers any addressing of that selection.</p> <p>It is therefore not the case that a searching</p>

Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
	<p>client in the current application is not already part of an already functioning communications environment, as described by the applicant.</p> <p>2.3 It should also be noted that even if there are minor differences between the features of claim 1 and those of document D1, the subject matter of claim 1 does not involve an inventive step (PCT Article 33(3)) in relation to the disclosure of document D1.</p> <p>2.4 Dependent claims 2-16 do not contain any features which, in combination with the features of any claim to which they refer, meet the PCT requirements for novelty and inventive step, since the features of those claims are either known from the aforementioned document D1</p> <p>(e.g. sending of a response message upon receipt of the broadcast, the searching client is also the calling client, access to the address database),</p> <p>from document D2</p> <p>(e.g. the storing of address information of a "Call Redirector" (fig. 2), response message from the call forwarding target client (fig. 11), the client address information describes the client associated with a call pickup ("Hunt group Helpdesk", columns 17 and 18), the communications link is established with the fastest client or with the first client to respond (fig. 11), a specific sequence ("automatic call</p>

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/009108

Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
	<p>distribution logic", column 18), simultaneous signalling to the clients (fig. 11))</p> <p>or represent common measures in the art</p> <p>(e.g. the broadcast request message is sent specifically to the clients of the call pickup group, the clients are in a free operating state during the signalling period).</p>

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/009108

**Box No. VII**      **Certain defects in the international application**

The following defects in the form or contents of the international application have been noted:

- 1      The claims are not provided with reference signs placed between parentheses (PCT Rule 6.2(b)).
  
- 2      Contrary to PCT Rule 5.1(a)(ii), the description does not cite documents D1 and D2 or indicate the relevant prior art disclosed therein and does not describe the invention as claimed.